

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)

STATE OF SOUTH CAROLINA)

-VS-

KENNETH BOYNTON

DEFENDANT

RULE 203 (B) (iv)
WRITTEN EXPLANATION OF
NO
BASIS FOR APPEAL

RECEIVED

SEP 30 2024

SC Court of Appeals

PERSONALLY appeared before me Jonathan M. Hiller, who being duly sworn,
deposes and says :

1. I represented the above named defendant before The Honorable B. Alex Hyman on September 12, 2024 at

which time the defendant enter a guilty plea to his/her pending charges.

2. No issues of law or fact, were raised before the Judge at that time that could be the basis for an Appeal in this matter.

3. The defendant requested this appeal be filed based on the language used by the plea judge informing the client he has the right to appeal his guilty plea within ten (10) days.

4. I informed defendant that there were no issues to appeal.

5. Defendant requested the Appeal be filed.

Sworn to and Subscribed before me
24 day of September 20 24

Rita Doroteo Parada
Notary Public for South Carolina
My Commission expires: 12-2031

[Signature]
Signature of Attorney for Defendant
Jonathan Hiller
Print name of Attorney for Defendant

ARREST WARRANT

2022A2610400123

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

THE STATE against

Kenneth Ray Boynton

Address:

Phone: Sex: Race: Height: SSN: Weight: DL State: SC DL #: DOB: 7/4/1960 Agency ORI #: SC0260400 Prosecuting Agency: Horry County Police Department Prosecuting Officer: William F Dietzel - 5501 Offense: Drugs / Manufacture meth, 3rd or sub. offense

Offense Code: 3778 Code/Ordinance Sec: 44-53-0375(B)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Kenneth Ray Boynton on 4-12-2022

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

Personally appeared before me the affiant William F Dietzel who being duly sworn deposes and says that defendant Kenneth Ray Boynton did within this county and state on or about 12/16/2021 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Horry) the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Manufacture meth, 3rd or sub; offense

Further state that there is probable cause to believe that the defendant named above did commit crime set forth and that probable cause is based on the following facts:

During the month of December 2021, in the City of Myrtle Beach within the County of Horry, one Kenneth Ray Boynton, did commit the act of trafficking methamphetamine 3rd and subsequent offense by selling approximately 50 grams of methamphetamine to a confidential informant. The Confidential Informant arranged to purchase methamphetamine from the defendant during a controlled buy operation. The Confidential Informant returned to Detective Dietzel with the substance presented at methamphetamine. The substance spot tested positive for methamphetamine. The defendant's criminal history includes 2 prior convictions for trafficking narcotics. This is in violation of SC Code of Law 44-53-375 (B). CASE#: 2021125390 R/O: WILLIAM DIETZEL

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of Horry

Affiant's Address 2560 N. Main Street Conway, SC 29526 Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/16/2021 defendant Kenneth Ray Boynton did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture meth, 3rd or sub. offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 4/11/2022

Signature of Issuing Judge Manuela Ardeljan Clayton Judge Code: 7403

Judge's Address Surfside Magistrate Office Myrtle Beach, SC 29588 Judge's Telephone (843)915-5291

Issuing Court: Magistrate Municipal Circuit ORIGINAL ORIGINAL ORIGINAL

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SEP 30 2024

SC Court of Appeals

03 APR 2022 11:59 AM FILED Horry County

2022 APR 22 P 1:59

RENEE N. ELVIS CLERK OF COURT

Form Approved by S.C. Attorney General April 21, 2003 SCCA518

ORIGINAL

AFFIDAVIT

BAIL set by

WITNESSES



Judge Hk
on April 13, 2011
Type and Amount: 20,000.00
Name of Surety:

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

Telephone: _____
Name: _____
Address: _____
Telephone: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

JURORS

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

CLERK OF COURT
KENTON COUNTY
COURTHOUSE
CINCINNATI, OHIO

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF GENERAL SESSIONS

RECEIVED

SEP 30 2024

SC Court of Appeals

STATE VS.

INDICTMENT/CASE#: 2024-GS-26-02890

KENNETH RAY BOYNTON

A/W#: 2024-GS-26-02890

AKA:
Race: B Sex: M Age: 64
DOB: [REDACTED] SS# [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL#* [REDACTED] SID# SC00197113

Date of Offense: 12/16/2021
S.C. Code §: 44-53-375(B)
CDR Code #: 0349

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Distribution of Methamphetamine 2nd Offense (5-30 YEARS &/OR \$50,000)

In violation of § 44-53-375(B) of the S.C. Code of Laws, bearing CDR Code # 3199

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
[Signature] 102918 [Signature] 76482
David Beamer, Solicitor SC Bar # Kenneth Ray Boynton, Defendant Jonathan Hiller, Attorney for Defense SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,
for a determinate term of 8 days/months/years/Time Served Youthful Offender Act not to exceed ___ years
and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment
of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for 3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
 CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
214 days/months
 To include time spent on monitored house arrest prior to trial and sentencing.
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED
2024 SEP 12 PM 4:26
JERRY R. GIBNEY

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. Or Job Corp
- Mental Health Counseling
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____
- Completion of GED
- No Contact with Victim
- May serve W/E beginning: _____
- Public Service Employment _____ days/hours
- Random Drug/Alcohol Testing
- Domestic Violence Intervention Program

FILED
 Horry County
 2024 SEP 12 P 4: 26
 CLERK OF COURT
 Horry County, SC

RESTITUTION Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of

	\$ 25.00	Beginning	10/12/24	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)				\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)				\$ 100
§56-5-2995 (DUI Assessment)				\$ 12
§56-1-286 (DUI Breath Test)				\$ 25
§14-1-212 (Law Enforce. Funding)				\$ 25
§14-1-213 (Drug Court Surcharge)				\$ 150
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)				\$ 41
§50-21-114 (BUI Breath Test Fee)				\$ 50
§56-5-2942(J) (Vehicle Assessment)				\$ 40/ea
3% to County (if paid in installments)				TBD
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees				\$ 500
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund				TBD
TOTAL				\$ 283.25

OS MARCO ANTONIO
 Horry County, SC
 CLERK OF COURT
 COURT REPORTER
 COURT REPORTER

Clerk of Court/Deputy Clerk:
Court Reporter:

Renee Elvis
Bobbi Fisher

Presiding Judge:
Judge Code:
Sentence Date:

TOTAL \$ 283.25
 7774
 9/12/24

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

KENNETH BOYNTON

JONATHAN M. HILLER

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SEP 30 2024

SC Court of Appeals

DEFENDANT)

FILE NO: 26A22-00003895

TO: Clerk of Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor
Appointed Counsel
Defendant

HORRY COUNTY
2022 NOV 11 AM 10:09
RENEE L. LAVIS
CLERK OF COURT
HORRY COUNTY, SC

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on the 11th day of November, 2022, regarding the charge(s) of:

2022B2600101212 Bail / Failure to appear after release for Felony (not used from 6/98 to 6/08)

2022A2610400123 Drugs / Manufacture meth, 3rd or sub. offense

The Defendant's Counsel is **Jonathan M. Hiller**. The office of the Public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Brady v. Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.

RONALD W. HAZZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

HORRY COUNTY, SC
CLERK OF COURT
DATED: November 09, 2022

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

NOTICE AND MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

-VS-

KENNETH R. BOYNTON

DEFENDANT)

RECEIVED

SEP 30 2024

FILE NO: 26A22-0000895

SC Court of Appeals

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
 - (a) All tangible objects obtained from the scene of the crime; and
 - (b) All tangible objects obtained from the State's witnesses in this case
 - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
 - (a) Analysis of handwriting
 - (b) Photographs secured of the scene of the crime
 - (c) Comparison of fingerprints
 - (d) DNA analysis
8. Make available any facts which tend to exculpate the Defendant.

9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.

10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.

11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.

12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

13. Make available to the Defendant all video and audio recordings and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses;
- (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make use of, at trial;
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine, either before, during, or after the admission of a test.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 406 (1981), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E.2d 879 (2007). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.

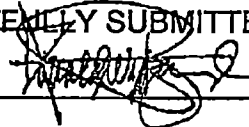
ADDITIONALLY, DEFENDANT REQUESTS A SPEEDY TRIAL

The Defendant requests and asserts his / her right to a speedy trial in General Sessions Court in this County pursuant to the 6th Amendment to the United States Constitution, as well as Article I, Section 14 of the South Carolina Constitution, and under relevant case law.

WHEREFORE, Defendant prays:

- (a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,



RONALD W. HAZZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

08 11 2022 10:00 AM
CLERK OF COURT
STATE OF SOUTH CAROLINA
CONWAY, SOUTH CAROLINA
DATED: November 09, 2022

RENEE M. COLLIS
CLERK OF COURT
STATE OF SOUTH CAROLINA
CONWAY, SC
2022 NOV 11 AM 10:09
HARRY GIBBY